

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Thomas James Martin,

Defendant.

**ORDER**

Criminal No. 02-127 (1) ADM/AJB

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David W. Fuller, Assistant United States Attorney, Minneapolis, MN, on behalf of Plaintiff.

Paul Engh, Esq., Engh Law Office, Minneapolis, MN, on behalf of Defendant.

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On July 26, 2011, the undersigned United States District Judge heard oral argument on Defendant Thomas James Martin's ("Defendant") Second Motion for Exemption from Disqualification, or in the Alternative, for Reduction of Disqualification [Docket No. 329]. Defendant was present at the hearing and addressed the Court directly on his rehabilitation efforts and his motivation for seeking an exemption or reduction. Plaintiff United States of America opposes Defendant's Motion.

As a former labor union business manager convicted of misusing union funds, Defendant is statutorily barred from holding certain positions of authority within a labor related organization. 29 U.S.C. § 504(a). Defendant seeks a reduction or exemption to the employment disqualification so he may serve as the Business Manager or Business Agent for Plumber's Union Local 15 (the "Union") in Minneapolis, Minnesota.

In April 2009, the Court denied Defendant's first Motion for Exemption from Disqualification [Docket No. 319] without prejudice to renew the request with more specificity in two years. Mem. Opinion and Order, April 1, 2009 [Docket No. 328]. The employment disqualification will have been in place for over seven years by the time elections are held for the Union positions for which Martin seeks a reduction or exemption.

Based upon all the files, records, and proceedings herein and for the reasons explained on

the record at the conclusion of oral argument, Defendant's Motion is GRANTED IN PART and DENIED IN PART. An exemption to the employment disqualification is GRANTED for the position of Business Agent for the Union. An exemption or reduction to the employment disqualification is DENIED for the position of Business Manager for the Union.

BY THE COURT:

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: July 26, 2011.